

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI'I

HARRY SAMELSON and DAN ROKOVITZ,) CIVIL NO. CV-00-00564 (KSC)
Plaintiffs,) (Contract)
vs.)
KAREN JEFFERY dba PACIFIC) DECLARATION OF RONALD T.
ISLAND INVESTMENTS; DOE)
DEFENDANTS 1-20; DOE)
CORPORATIONS 1-20; DOE)
PARTNERSHIPS 1-20; DOE)
GOVERNMENTAL AGENCIES 1-20;)
DOE AGENCIES 1-20; and OTHER)
ENTITIES 1-20,)
Defendants.)

[2001631 \ 366613v2]

DECLARATION OF RONALD T. MICHIOKA

I, RONALD T. MICHIOKA, declare and state as follows:

1. I am an attorney duly admitted to practice before all of the courts in the State of Hawai'i.

2. I am an associate with the law firm of Ayabe Chong Nishimoto Sia & Nakamura, and in that capacity, serve as one of the attorneys for the Real Estate Commission for the State of Hawai'i, on matters relating to the Real Estate Recovery Fund.

3. On September 17, 2001, a Judgment in a Civil Case (hereinafter referred to as "the Judgment") was entered in favor of

Plaintiffs Harry Samelson and Dan Rokovitz ("Plaintiffs") and against Defendant Karen Jeffery dba Pacific Island Investments, in the amount of \$130,000.00, which was trebled pursuant to Sections 480-2 and 480-13, Hawai'i Revised Statutes ("H.R.S."). A true and correct copy of the Judgment is attached hereto as **Exhibit "A,"** and made a part hereof.

4. The foregoing Judgment has not been appealed, reversed, modified or set aside, in whole or in part, and remains in full force and effect.

5. Plaintiffs thereafter successfully moved for payment in partial satisfaction of the Judgment from the Real Estate Recovery Fund in the amount of \$50,000.00, pursuant to Chapter 467, H.R.S.

6. Upon payment by the REC of \$50,000.00, the REC was subrogated to Plaintiffs' rights, interest and title in the Judgment, pursuant to §467-22, H.R.S.

7. Further pursuant to §467-22, H.R.S., Plaintiffs assigned to the REC their rights, interest and title in the Judgment, up to the amount of \$50,000.00. Attached hereto as **Exhibit "B"** is a true and correct copy of Plaintiffs' Partial Assignment of Judgment, which was recorded on January 23, 2003 with the Bureau of Conveyances at Document Number 2003-012202.

8. The REC is still the owner and holder of a portion of the Judgment, up to the amount of \$50,000.00.

9. Pursuant to said Judgment, and Partial Assignment of Judgment, there is now due and owing to the Real Estate Commission by Judgment Debtor KAREN JEFFERY, the sum of \$50,000.00, plus interest, pursuant to §478-3, H.R.S., from September 17, 2001 to the date of this motion (or to any date determined by this Court to be just, fair and equitable).

I, RONALD T. MICHIOKA, do declare under penalty of law, that the foregoing is true and correct.

DATED: Honolulu, Hawai'i, April 24, 2008.

/s/ Ronald T. Michioka
RONALD T. MICHIOKA